

### ACT QUICKLY.

You will note that this indemnity fund plan requires that at least 300 members shall have contributed before the end of the year. If they have not so contributed, the money and notes will be returned to those who have, and the plan will be abandoned. Therefore, if you wish this additional protection, act quickly! Send in your remittance for \$15.00 and your note, payable one year after date, for \$15.00.

The plan is so good, so practical, and so thoroughly sound in its business features, that it would seem to be a shame not to take advantage of it. Every surgeon, and particularly men doing hospital or dispensary work, and every specialist doing such work, should immediately enroll himself as a participant in this fund.

### NOT ONLY SURGEONS.

A good many men in general practice have the idea that only surgeons, or almost exclusively surgeons, are subject to suits for damages for alleged malpractice, for the reason that such suits—in their opinion—always originate out of fractures or similar injuries. This is not the case. Some of the worst suits that we have had in the past, and have now on hand to defend, have been suits brought against physician members in the ordinary course of general practice, confinement work and the like. One bitterly-fought suit had its origin in the question of correct diagnosis of tuberculosis. Another one, lasting two weeks or more in trial, originated in a confinement case. Still another had its origin in the examination of school pupils. There is no limit to the possible range of conditions or treatments out of which a suit for damages may arise.

### A BUSINESS PROPOSITION.

Remember that the business side of the work of the State Society has now attained remarkable proportions; nearly all of the work passing through the office of the Society is business of a non-medical character.

The creation and carrying forward of this "Malpractice Indemnity Fund" will still further increase the business of the Society, and it must be conducted in a businesslike way. It is an absolutely practical business proposition; it can be handled, and it will be handled, in a practical business way. Any member can absolutely assure himself of complete protection (including settlements, paying judgments, etc.) at a cost which will probably range from \$3.00 to \$7.00 a year on an average, depending upon the amount of expense and the frequency with which assessments will have to be made in order to keep up the fund.

In discussing this plan with the manager of a very large insurance company, he commented upon the absolute soundness of the proposition from a business point of view, and said that if the members did not take advantage of it, "they would be fools."

### THE OPPORTUNITY IS YOURS.

Here is the plan by which you may thoroughly and absolutely protect yourself. Study it carefully. Think about it seriously. In the long run you will save a considerable amount of money. If you wish to save that money, enroll your name at once and send in your remittance, and participate in the benefit of the

### MALPRACTICE INDEMNITY FUND.

The House of Delegates of the Medical Society of the State of California, at its 45th annual session, Fresno, California, April 19, 1916, passed a resolution requesting the Council of the Medical Society of the State of California to take proper and appropriate action to the end that means may be provided whereby members of the Medical Society of the State of California who desire to do so may voluntarily contribute to a fund, out of which fund shall be paid the amount of judgments assessed against such contributing members in any suit or suits against such contributing members for damages for alleged malpractice, and also payment of such sums as may be necessary for the settlement of claims against such contributing members when in the judgment of competent and experienced attorneys, by and with the concurrence of the attorneys for the Medical Society of the State of California and by and with the consent and concurrence of such contributing member, it seems wise and expedient to settle such claim or claims and the necessary expenses connected therewith.

The Council, having considered this matter, and having referred the same to its attorneys who have considered, amended and revised this statement or plan of conduct of this undertaking, presents the following detailed plan for the conduct and operation of this indemnity fund:

1. Unless within six months from July 1, 1916 (on or before December 31, 1916), not less than three hundred (300) members shall have contributed in the manner provided hereafter to this fund, known as the Malpractice Indemnity Fund, the whole plan and operation of this enterprise shall cease, terminate, be abandoned and the amounts which may have been contributed during that period shall be returned to the contributors.

2. The Council will appoint three trustees of this fund who shall see that it is kept separate from all other funds of the Society and that it is safely invested and administered, which trustees shall be responsible to the Council of the Medical Society of the State of California and to the contributors to the fund.

3. Any member desiring to participate in the creation of this fund and in the benefits to be derived therefrom, subject to the terms and conditions of this plan, shall transmit to the Secretary of the Medical Society of the State of California, who in turn shall pay over the sum to the trustees of the fund herein above referred to, the sum of Fifteen (\$15.00) Dollars and a promissory note payable one year after date, without interest, to the order of the Medical Society of the State of California

in the sum of Fifteen (\$15.00) Dollars, which note shall be presented for collection on maturity and shall upon collection be credited to the account of the drawer of the note as his payment for the second year toward the creation of such Malpractice Indemnity Fund. In the event that not more than three hundred (300) members shall so contribute by paying Fifteen (\$15.00) Dollars and transmitting with such payment a promissory note as herein indicated before December 31, 1916, such sum of Fifteen (\$15.00) Dollars and such promissory note shall forthwith be returned to such contributing member.

All payments out of the Malpractice Indemnity Fund shall be made by check signed by a majority of the three trustees of the fund upon presentation to them of a bill of costs for judgment, the amount of compromise settlement or the like, which bill shall have been duly prepared by the attorneys of the Medical Society of the State of California and signed by them with the statement that it is correct as to amount and desirability.

4. Any questions which may arise in the course of the administration of this undertaking shall be settled by the Council except as hereinbefore stated, namely, the charge and administration of the fund and the payments therefrom, and further as to any use of such fund or funds other than for the purposes hereinbefore stated.

5. The Malpractice Indemnity Fund herein referred to may be divided and distributed to the living contributors thereto at any time upon the consent thereto in writing of two-thirds of the living contributors to the fund. The fund shall not be diverted from the purposes specified or disposed of in any other way except upon similar action, namely, the consent in writing of two-thirds of the living contributors.

6. Any member contributing to this fund who shall cease to be a member of the Medical Society of the State of California for any reason shall thereby lose and forfeit all of his interest whatsoever in this fund. Any interest which any contributing member possesses in this fund is inherent in himself personally and may not be transferred, assigned, or disposed of in any way save by his termination of membership in the Medical Society of the State of California as hereinbefore provided.

7. If and when the Malpractice Indemnity Fund shall by virtue of payments made therefrom be reduced to an amount considered by the Council of the Medical Society of the State of California to be an unsafe amount, the said Council may then levy upon the contributing members a further assessment of not less than Fifteen (\$15.00) Dollars a year for one or two years, as in their judgment may seem proper, which assessment shall be payable in the same manner as the original payments.

8. Any member at any time in future during the existence of the Malpractice Indemnity Fund, as herein described, may contribute to the fund as provided for herein and upon such additional terms as the Council may prescribe and thereby receive the benefits to be derived from such participation.

9. Save and except as to the distribution of the fund or its diversion to some other purpose, the Council may make any changes or alterations in these rules, or may adopt such other and different rules and regulations as it may deem proper, necessary and appropriate.

#### THE VALUE OF A MEDICAL LICENSE IN CALIFORNIA.

From time to time the JOURNAL will publish illustrating examples of the satisfactory way in which the present medical law and its administration are admitting to practice in this State persons with little or no qualification. We have already given one or two such instances, and here is another. Dr. "John Doe" was licensed by the present Board of Medical Examiners April 29, 1915. His previous record is as follows: He took the examination in December, 1909, and received a mark of 42.9%, in addition to which he was caught cheating. He took the examination August 23, 1909, and failed with a mark of 58.1%. Later he went to Oregon and obtained a license, and in 1913 applied for reciprocity license in this State, and was refused. In 1914, he again took the examination, and failed with a mark of 58.1%. Subsequently his papers of the examination in 1914 were reviewed, he was raised two points in one or two subjects, and then allowed 1% a year for 12 years practice, and was given a license to practice in California. The Board is to be congratulated upon its efficient protection of our citizens!

#### THE HARRISON NARCOTIC LAW.

In the first place, let it be said that the purpose and intent of the law are beyond all question of the greatest benefit to society, to physicians, and to persons who come to physicians as patients. There are, however, numerous things about it that are vexatious. Some of the rules made are absurd, and it would be practically impossible for any physician actively to practice his profession and not violate some of these rules and regulations. For instance, in the matter of absurdity, treasury decision 2213 learnedly lays down the rule that a physician's prescription, when made up, is a preparation and not a remedy. One is reminded of many wise questions that have been propounded; as, for instance, "Why is a red hot stove?" It is also somewhat annoying to see incompetent and unfitted persons on the payroll of the Government making silly and bothersome rules of this kind, and at the same time read from the court report in a newspaper that a man running a regular business in selling narcotics to drug fiends, when arrested, was penalized only to the extent of 30 days in the county jail. Physicians as a class are doing a great deal, by conforming willingly to the Harrison Law, toward the end of suppressing the habit-forming drug evil. However, if society wishes to rid itself of this pest, it will have to cooperate with physicians in future more than it has in the past.